

**EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Charles Fowler, Reg. No. 39,675; on February 2, 2010.

2. The application has been amended as follows:

In the specification, paragraph [0001], after "September 25 2003," insert --now U.S. Patent No. 7,416,554, --. After "August 11, 2003," insert -- , now U.S. Patent No. 7,618,426--. After "June 13, 2002," insert -- , U.S. Patent No. 7,128,708, --. After "January 15, 2003," insert --now U.S. Patent No. 7,637,905, --. After "November 4, 2002," insert -- , now U.S. Patent No. 7,160,312--. After "December 20, 2000," insert -- now U.S. Patent No. 6,992,643, --. After "July 3, 2002," insert -- , now U.S. Patent No. 7,186,262--. After "July 3, 2001," insert -- , now U.S. Patent No. 6,626,899--. After "June 23, 2000," insert --now U.S. Patent No. 6,669,687, --.

In claim 42, line 10, delete "and." In line 13, after "fold," insert -- ; and approximating and securing the first tissue fold and the at least one additional tissue fold--.

Cancel claims 43 and 44.

3. The following is an examiner's statement of reasons for allowance: None of the prior art of record, alone or in combination, discloses; a method of endoscopically forming, approximating and securing a plurality of tissue folds, where the method includes, inter alia, advancing an anchor delivery device through the patient's esophagus into the patient's stomach; the anchoring device including a needle defining a lumen; forming a first tissue fold; piercing the tissue fold with the needle, and ejecting a first anchor from the needle across the first tissue fold; forming at least one additional tissue fold, forming at least one additional tissue fold, placing at least one additional anchor across the at least one additional tissue fold, and approximating the plurality of tissue folds or approximating the first tissue fold and the at least one additional tissue fold.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julian W. Woo whose telephone number is 571-272-4707. The examiner can normally be reached on M-TH:6:30-4:00; alt. Fri.: 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tan-Uyen (Jackie) Ho can be reached on 571-272-4696. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Julian W. Woo/  
Primary Examiner, Art Unit 3773